IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.355 OF 2006
IN
SECOND APPEAL STAMP NO. 2381 OF 2006

Chhabu R. Darekar (Kumbhar) ..Appellant

versus

Baban R. Darekar (Kumbhar) since deceased through L.Rs. ..Respondents

Mr. J. B. Kocheta for the Appellant.

CORAM : A.M. KHANWILKAR, J.
DATE : 1ST MARCH,2006

P.C. :

. Explanation offered in this Application is unacceptable even if the Advocate is busy in some other court, it is expected that he will make necessary arrangement to inform the court about his difficulty when the matter is called out. The Advocate cannot take it for granted that even if he does not appear before the Court, no order will be passed in the matter and allow the same to go by default.

2. However, as the litigant should not suffer

for the mistake of the Advocate, this Application is allowed in terms of prayer clause (a) on condition that the Advocate on record shall personally pay cost quantified at Rs.750/- within one week from today, failing which office to treat this Application as dismissed for non prosecution. If the cost is paid in time, the matter be processed by the Office and be placed for hearing under the appropriate caption as per its turn.

1.3.2006 A. M. KHANWILKAR, J.